SUPREME COURT OF THE UNITED STATES.

No. 219.

THE UNITED STATES, APPELLANTS,

vs.

THE HEIRS OF VINCENT RILLIEUX.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES, FOR THE EASTERN DISTRICT OF LOUISIANA.

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[GIDEON, Print.]

UNITED STATES OF AMERICA,
Eastern district of Louisiana.

United States district court.

HEIRS OF VINCENT RILLIEUX
vs.
THE UNITED STATES. } No. 17 of land causes.

Be it remembered, that on the 12th day of May, A. D. 1846, the heirs of Vincent Rillieux, by their attorney and solicitor, Alfred Hennen, came into the office of the clerk of the district court of the United States, for the district of Louisiana, and under the act of June 17th, 1844, there caused to be filed, in the words following, their petition.
1o. 1846, *May 12th.*

United States of America, Louisiana district.

To the honorable the judge of the district court of the United States, for the district of Louisiana.

The petition and bill of Melicere Rillieux, wife of Honoré Landreaux, by him duly authorize Antoinette Rillieux, widow of Michael Smith, of Rillieux, widow of L. M. Reynaud, of James P. Freret, John Freret, William & Eugenie Freret, wife of J. Stewart, by him duly authorized, the children and heirs of Eugenie Rillieux; and of Michel Musson, Eugene Musson, Henry Musson, Eugenie Musson, wife of the Count de Rochefort, by him duly authorized, and Celestine Musson, wife of Auguste De Gros, by him duly authorized, the children and heirs of Marie Desiré Rillieux, who are the heirs at law of Vincent Rillieux and Marie Tronquet, his wife, deceased, respectfully shews:

That your petitioners are the true and lawful owners of a tract of land, situated in the parish of St. Tammany, State of Louisiana, bounded on the south side by Lake Pontchartrain, on the east by Pearl river, on the west by the bayou Bonfouca, and on the north by a line running from the western source of said bayou, and from the head waters of the same, to Pearl river, containing a superficial extent of about one hundred thousand acres, and forming a peninsula, according to a plan and survey made thereof by W. H. Cobb, U. S. surveyor, and which your petitioners will produce whenever thereto required; the same having been purchased by the ancestors of your petitioners, from the Biloxi Indians residing thereon, A. D. 1761, by consent of the French Government, then the sovereign authority thereon, as will further appear from the annexed copy of the title given by C. P. Aubry and D. N. Foucault, bearing date 16th March, A. D. 1765, taken from the original, now annexed to a suit of Etienne Roquigny vs. Vincent Rillieux, in 1791, in the office of L. T. Caire, notary public, N. Or-

leans, and which original cannot be withdrawn. The said tract of land having been at that time, and before, in the possession of the said Vincent Rillieux, and continued so to be with the consent and approbation of the English, Spanish, and American Governments, without interruption, and the same was used, inhabited, and cultivated, as private property, by him, and those claiming under him.

Your petitioners further shew, that the said title was granted by the proper authorities, and might have been perfected into a complete title, and in conformity with the laws, usages, and customs of the government under which the same originated, had not the sovereignty of the government been transferred to the United States, and the same should now be acknowledged by the Government of the United States.

Your petitioners further show, that they have made their claim to the said land, and enregistered their titles therefor, in the land district of St. Helena, State of Louisiana, but they have not been passed on or decided for want of competent jurisdiction.

Your petitioners further show, that they have sold between four and five thousand superficial arpents of the said tract to John Gusman, now residing thereon and cultivating the same, and a portion thereof has heretofore been sold by the United States, amounting to about six thousand four hundred acres, but the purchasers, mostly, have given up and returned the same to the Government and received back the purchase money, owing to the incorrect surveys of the same, and have removed from the land; and there now remains thereon, to the knowledge of your petitioners, only Lucinda Cowan, widow, Wagner, residing in the city of New Orleans, who claims a part thereof. But the exact amount claimed is unknown to your petitioners, who pray that they may be made parties hereto, and petitioners consent to the title now held by them, and that an accurate survey of the same may be made when necessary.

Wherefore your petitioners pray, that the validity of their claim may be inquired into and decided by this honorable court, that the district attorney of the United States for this district may be cited to answer this petition, and the persons named aforesaid, to wit, Lucinda Cowan, widow of Wagner, and that your honorable court will order, adjudge, and decree that this claim is valid according to the laws of nations and treaties, binding on the Government of the United States; and that a patent may be given to your petitioners for all that part and portion thereof which has not been disposed of by the Government, and for so much thereof as may have been disposed of by the Government that other lands equal in quantity be assigned to your petitioners *who* by survey the same shall be ascertained.

And your petitioners pray for all such other and further relief as the nature of the case may require, and to equity and justice shall appertain. And as in duty bound will ever pray your petitioners.

ALFRED HENNEN,
For petitioners.

UNITED STATES OF AMERICA,
Eastern district of Louisiana.

United States district court.

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And your petitioners pray for all such other and further relief as the nature of the case may require, and to equity and justice shall appertain. And as in duty bound will ever pray your petitioners.

ALFRED HENNEN,
For petitioners.

2° *Document A annexed to the petition.*

A Monsieur de Kerlerec, chevalier de l'ordre royal et militaire de St. Louis, capitaine de vaisseaux du Roy, et gouverneur de la province de la Louisiane.

Le sieur Deruisseaux, habitant de cette colonie, a l'honneur de vous representer qu'étant dans le dessein d'établir une vacherie considérable pour subvenir par les suittes à la substance des troupes et mêmes des habitants, il aurait achetté des sauvages Biloxis, depuis environ dix huit mois, une langue de terre en forme et isle, située sur la gauche de l'endroit appellé les coquilles, à l'extremite du Lac Ponchartrain, et qui s'étendant jusques à la sortie des rigolets où il aurait déjà transporté une quantité des bestiaux et fait batir sur la ditte terre; mais comme la ditte vente, passée par les dits sauvages Biloxis n'est pas suffisante pour la garanti du supliant, et que d'ailleurs pourrait être inquieté par d'autres personnes, j'espére, Monsieur, que vous aurez la bonté d'aprouver l'achat qu'il a fait en insérant au bas de la présente requête que le supliant peut continuer en toute sécurité l'augmentation de la dite vacherie jusqu'à ce qu'il vous plaira, Monsieur, et qu'il soit possible d'en expedier la concession en forme.

A la Nouvelle Orleans, ce dixième jour de Mars, 1761.

A Monsieur de Kerlerec, chevalier de l'ordre royal et militaire de St. Louis, capitaine des vaisseaux du Roi, gouverneur de la province de la Louisiane.

Nous, capitaine d'infanterie, interperette pour le Roi des nations sauvages, certifions que le Sieur Deruisseaux a acheté au mois de May, 1757, un isle qui prend les grosses Coquilles, jusqu'à la rivière au Perle, faisant face sous toute la partie des Rigolets, et que le dit Sr. Deruisseaux l'a payé au Biloxis, en présence de Mr. de Kerlerec et de Monsieur Bolée de Claussian, gouverneur et ordonnateur, et que les dits sauvages ont promis de faire abandon de toute cette partie du dit Sieur Deruisseaux, et de ne le point inquiéter en le laissant libre possesseur de toute l'isle; en foi de quoi je certifie le certificat véritable.

A la N'elle Orléans, le 8 Juin, 1761.

TRUDEAU.

Nous, Charles Philippe Aubry, chevalier de l'ordre royal, et militaire de St. Louis, commandant par le Roi en la province de la Louisiane--
[SEAL.]

Et Denis Nicolas Foucault, faisant les fonctions d'ordonnateur et de premier juge du conseil supérieure de la ditte province, certifions à tout qu'il appartiendra, que D'e Marie Chenet, veuve de feu Sieur François Rilieux, est en paisible jouissance et possession depuis vingt-quatre ans d'une terre, située au nord du Lac Pontchartrain, entre le bayou Bonfoukas, et la rivière aux Perles, et que cette terre dont une grande partie consistant en prairies tremblantes et tout-à-fait impracticables, ne pouvant suffire par le peu de pacage que se trouvent dans ce pays de pin-

ières, elle a été dans la necessité d'acquérir mil sept cent soixante en et un, des sauvages de la nation Biloxis, toute la terre practicable, que cette nation possédait entre celles de la dite dame et la rivière aux Perles, pour se procurer le pâturage necessaire au moins à plus de cent vaches portantes, en sorte que la terre dont la dite Dame était en possession, tant par feu son mari que par elle depuis vingt-quatre ans, et celle par elle acquise de la nation Biloxi, depuis mil sept cent soixante-un, ainsi qu'il est expliqué ci dessus forme aujourd'hui une presqu' isle, se trouvant enclavée dans les terres tremblantes et noyées qui bordent le Lac Pontchartrain le bayou Bonffoukas, et la rivière aux Perles. En foi de tout quoi nous avons delivré le présent certificat à dite Dame Veuve Rilieux, pour lui servir et valoir ce que de raison.

Donné à la N'elle Orléans, sous les sceaux de nos armes et les contre-seings de nos secretaires, le seize Mars, mil sept cent soixante-cinq. Aubry Foucault, deux cachets. Par monseigneur Soubie, par mond it Sieur, Duvergé.

[SEAL.]

No. 1670.

Je certifie que les présentes copies sont conformées en tout aux originaux qui se trouvent annexés dans le procès que Mr. Etienne Roquigny avait intenté contre feu Sr. Vincent Rillieux, au tribunal de monsieur le gouverneur de cette province, dans l'année mil sept cent quatre-vingt onze, le quel procès est archivé en cette office, et à la requisition de Dame Marie Tronquet, veuve du susdit Sr. Vincent Rillieux, je délivre la présente à la Nouvelle Orléans, le vingt-huit Septembre, de l'année mil huit cent neuf, et la trente quatrième de l'indépendance des Etats Unis d'Amérique.

Signé PIERRE PEDESCLAUX, [L. S.]
Notaire.

Signed ne varietur, to be annexed to the sale of the island called Las Conchas, by the heirs of Madame Marie Tronquet, Widow Rillieux, to Messrs. J. P. C. McMahon & John Hunt, passed before the notary undersigned, on this twenty-fifth day of January, eighteen hundred and twenty-five.

(Signed,) J. Pont de Coulant McMahon, R. Reynaud, Frans. Alpuente, T. Mossy, L. M. Reynaud, Hre. Landreaux, Ene. Carraby, Millaudon, Antoinette Rillieux, Veuve Smith, Marie R. Landreaux, James P. Freret, John Freret, Wm. Freret, Eugenie Freret, Vincent Rillieux, G. Musson, Fourcisy, Chas. Bayon.

FELIX DE ARMAS, *Not. Pub.*

Pour copie conforme à l'original resté en mon étude pour recours. En foi de quoi j'ai délivré le présent, signé de ma main, et scellé du sceau de mon office, Nelle. Orleans, le vingt-deux Octobre, mil huit cent trente-trois, de cette ville, en marchandises qui ont été distribué par moi, en presence du gouverneur et de l'ordonnateur, ce renvoi approuvé.

(Signed,) FELIX DE ARMAS. *N. Pub.*

U. STATES LAND OFFICE,
Greensburg, parish of St. Helena, La.
Dec. 26th, 1838.

I hereby certify the preceding document to be recorded in Book E, No. 3, of the records of this office, on pages 242, 243, and 244.

(Signed,) NICHOLAS BAYLIS, *Register.*

Concession of land to Mr. Deruisseaux, 2d June, 1762, annexed to Document A.

Louis de Kerlerec, chevalier de l'ordre royal et militaire de St. Louis, capitaine de v'aux du Roi, gouverneur de la province de la Louisiane, et Dennis Nicholas Foucault, faisant fonctions d'ordonnateur, en la dite province. Sur la demande que le Sr. Deruisseaux, habitant en cette colonie, nous a fait de lui concéder une isle d'environ deux lieues de face sur un lieue et demie de profondeur, située dans le nord du Lac Pontchartrain, et de l'endroit appellé les coquilles, et s'étendant jusqu'à la sortie des rigolets, pour continuer l'établissement qu'il y a formé par la permission que nous lui en avons donnée verbalement; nous ayant égard aux representations du d. Sr. Desruisseau, et en vertu du pouvoir qu'il a plu à sa majesté nous départir, avons concedé, et concedons par les présentes, au dit Sr. Desruisseaux la d. isle ci-dessus mentionée, pour par lui ainsi que ses hoirs ou ayant cause en jouir et disposer pleinement et paisiblement en toute propriété et usufruit, comme d'un bien à lui appartenant, aux conditions qu'il y continuera le dit établissement, sinon et à faute de ce faire sous un an de ce jour, elle sera réunie au domaine du Roi, qui pourra en desposer comme si la presente concession n'avait pas été accordée; et à la charge de payer les droits seigneuriaux si quelques-uns sont par la suite établis en cette d. province de la Louisiane. Nous en reservons d'ailleurs pour sa majesté tous et chacuns les bois necessaires pour construction de forts, magazins, et autres ouvrages qu'elle a ordonné ou ordonnera à l'avenir, même pour le radoub et carêne de ces vaisseaux toutefois et quantités il en sera besoin, ainsi que le terrain necessaire pour chemins royaux et fortifications.

Donné à la Nouvelle Orleans, sous les sceaux de nos armes et les contre-seings de nos secrétaires, le deux Juin, mil sept cent soixante-deux. Signé Kerlerec et Foucault, contre-signé Soubie et Duvergé.

REGISTER'S OFFICE, *New Orleans.*

I, Hilary B. Cenas, register of the land office at New Orleans, do hereby certify the foregoing to be a true copy taken from the records, now in my possession, of the patented concessions, made by the French Government, of lands within the late province of Louisiana; Book No. 1, page 152.

In faith whereof, I hereunto subscribe my name, this 19th October, 1833.

(Signed) HILARY B. CENAS, *Register.*

U. States land office, Greensburg, parish of St. Helena, La., December 26th, eighteen hundred and thirty-eight.

I hereby certify the preceding concession and register's certificate thereto annexed to be recorded in Book E, No. 3, of the records of this office, on pages 247 and 248.

NICHOLAS BAYLIES, *Register*.

English translation of document A, filed December 3rd, 1846.

To Mr. De Kerlerec, knight of the royal and military order of St. Louis, post captain of the navy of the king and governor of the province of Louisiana.

Mr. De Ruisseaux an inhabitant of this colony, establish an extensive vacherie (stock farm) with a view in time to supply subsistence to the troops and to the inhabitants of this colony, he did purchase from the Biloxi Indians about eighteen months since, a tract of land in the form of an island, situated on the left of the place called the Coquilles (shells) at the extremity of Lake Pontchartrain, and extending to the end of the Rigolets, on which he has already sent a quantity of cattle and erected buildings; but the sale by the Biloxi Indians not being considered by the petitioner a sufficient guarantee, and thinking he might be troubled by some persons, he prays you will have the goodness to approve said purchase by inserting below this petition: "That the petitioner may continue in good faith the improvements relative to said vacherie, until such time as it may please you, and it be possible, to grant the concession in due form, at New Orleans, on the tenth day of March, 1761.

To Mr. De Kerlerec, knight of the royal and military order of St. Louis, post captain in the navy of the king and governor of the province of Louisiana.

We, captain of infantry and interpreter for the king to the Indian nations, do certify, that Mr. De Ruisseaux, has purchased in the month of May, seventeen hundred and fifty-seven, an island commencing from the Grosses Coquilles (large shells) as far as Pearl river, facing the whole length of the Rigolets, and that said de Ruisseaux has paid the Biloxi Indians for this land, in the presence of Mr. De Kerlerec and Mr. Bolee de Claussian, governor and intendant commissary (X) and that said Indians have promised to yield that part and never disturb him (said De Ruisseaux) in the full and entire possession of the whole island. In faith of which I give this certificate, at New Orleans, on the first day of June, 1761.

TRUDEAU.

We, Charles Philip Aubry, knight of the royal and military order of St. Louis, commandant for the king in the province of Louisiana, and Denis Nicolas Foucault, acting as intendant commissary, and first judge of the supreme council of said province, do certify, to all whom it may concern, that Mrs. Mary Chenet, widow of the late Francois Rillieux, is and has been in peaceable possession and enjoyment for the last

twenty-four years of a certain tract or parcel of land, situated in the direction, north of Lake Pontchartrain, between the bayou Bonfouca and Pearl river; a great portion of which tract consists of prairies tremblantes, (trembling prairies) quite valueless; and not having a sufficient extent in front, she Mrs. Rillieux was compelled in 1761, to purchase from the Biloxi Indians, all that part of the good lands belonging to that nation, lying between the land which she owned and Pearl river, in order to procure the necessary pasturage for at least one hundred cows, so that the land the said lady was in possession, as well by her late husband, as by her for the last twenty-four years, also what she acquired by purchase from the Biloxi Indians in 1761, as explained above, form to-day a peninsula, (Presque Isle,) bounded by the trembling and immediate lands which border Lake Ponchartrain, bayou Bonfouca, and Pearl river.

In faith of which we have delivered the foregoing certificate to the said Widow Rillieux, to be used by her in such manner as she may think proper.

Given in New Orleans, under the seal of our arms, and countersigned by our secretary, on the 16th day of March, 1761.

AUBRY, [L. S.]
FOUCAULT. [L. S.]

By my Lord SOUBRE NE DUVERGE.

I hereby certify the above to be true copies from the originals which are annexed to the suit which Mr. Etienne Roquina, has instituted against the late Mr. Vincent Rillieux, before the tribunal of the governor of this province, in the year 1791, which suit is of record in this office; and, at the instance of said Mary Tronquet, widow of Vincent Rillieux, I deliver these presents in New Orleans, on the 28th day of September, of the year 1809, and of the American independence the thirty-fourth.

(Signed) P. PEDESCLAUX, *Notary.*

Signed ne varietur, to be annexed to the sale of the island called "Las Conchas," by the heirs of Madam Mary Tronquet, Widow Rillieux, to Messrs. J. P. C. Mahon and John Hunt; passed before the notary undersigned on this twenty-fifth day of January, eighteen hundred and twenty-five.

Signed, J. P. De Contant, Mr. Mahon, P. Reynaud, F. Alpuente, T. Mossy, L. M. Reynaud, H. Landreaux, E. Carraby, L. Millaudon, Antoinette Rillieux, Widow Smith, Marie R. Landreaux, James P. Freret, John Freret, Wm. Freret, Eugénie Freret, Vincent Rillieux, G. Musson, Fourcisy, Charles Bayon.

FELIX DE ARMAS,
Notary public.

A true copy from the records in my office. In faith of which I have delivered these presents, signed with my hand, sealed with the seal of my office. New Orleans, 22d day of October, 1803.

(X.) Of this city, in goods, which have been distributed by me in the presence of the governor and of the intendant commissary. This part brought forward and approved.

(Signed) FELIX DE ARMAS,
Notary public.

1846, May 12.

And on the same day has issued from the said clerk's office, in duplicate, the following process of

Citation.

United States district court, sitting in and for the eastern district of Louisiana, to the marshal for the eastern district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded to summon S. W. Downs, U. S. district attorney, to appear before the honorable judge of the district court of the United States, sitting in and for the eastern district of Louisiana, at a district court to be holden at New Orleans, on the first Monday of June, 1846, then and there to answer a petition in chancery, filed against the United States, wherein the heirs of V. Rillieux are petitioners, and the United States respondents. Herein fail not; and have you then and there this writ, with your endorsement thereon, how you have executed the same.

Witness the honorable T. H. McCaleb, judge, this 12th day of May, New Orleans, 1846, and seventieth year of American independence.

N. R. JENNINGS, *Cl'k.*

MEM.—The respondent is to enter his appearance in the above entitled suit in the clerk's office, on or before the first Monday of June, 1846; otherwise the petition may be taken pro confesso.

Marshal's return.

Received this 12th day of May, 1846; and on the 12th day of May, 1846, served copies of the within citation, plaintiff's petition and documents annexed, on the within named S. W. Downs, U. S. district attorney, in the manner following, to wit, by handing the same to him in person.

WM. E. WELLS,
U. S. dep'y marshal.

1846, June 13.

And afterwards, to wit, on the thirtieth day of June, A. D. 1846, the United States, defendants, by their attorney, entered their appearance, and filed the following

Answer.

HEIRS OF V. RILLIEUX
vs.
The UNITED STATES.

District court of the United States, district of Louisiana.

The defendants in this cause, by their attorney, S. W. Downs, for answer denies all and singular the facts and allegations in the plaintiffs' petition contained, and will on trial of the case require strict legal proof of the same; and prays that the claim of the plaintiffs may be rejected at their costs, and for general relief.

(Signed) S. W. DOWNS,
U. S. Attorney, district of La.

1846, September 12.

And further, on the twelfth day of September, A. D. 1846, was filed the following

Consent to take testimony.

HEIRS OF V. RILLIEUX
vs.
The UNITED STATES.

District court, U. S.

It is agreed that a commission to take the deposition of witnesses may issue in this case, directed to any judge or justice of the peace, residing in the parish of St. Tammany, Louisiana, to take the depositions of witnesses to be used on the trial of this cause, and in that of Gusman vs. the United States, claiming under the same title, as that of the petitioners in this suit.

(Signed) THOMAS J. DURAL,
Attorney U. S., for La.
A. HENNEN, *for Petitioners.*

1847, February 9.

Proceedings.

And afterwards, at the December term, A. D. 1846, of said court, to wit, on the 9th February, 1847, was duly entered of record the following continuance:

Tuesday, February 9th, 1847.

Present, honorable T. H. McCaleb.

HEIRS OF V. RILLIEUX
vs.
The UNITED STATES. No. 17.

The above cause being fixed for trial this day, was, upon motion of

the United States district attorney, the court being engaged in other business, continued until further notice.

1848, May 24th.

And afterwards, at the May term, 1848, to wit, on the 24th May, 1848, was duly entered the following order:

Wednesday, May 1848.

Present, honorable Theo. H. McCaleb.

HEIRS OF V. RILLIEUX
vs.
The U. STATES.

This case was this day called on the general docket of land suits, and, on motion of A. Hennen, counsel for plaintiffs, fixed for trial for the 12th of June proximo.

1848, June 9th.

And further, at the same term, to wit, on the 9th June, 1848, was entered the following continuance:

Friday, June 9th, 1848.

Present, honorable Theo. H. McCaleb.

HEIRS OF RILLIEUX
vs.
The U. STATES. } No. 17.

On motion of A. Hennen, esq., of counsel for the plaintiffs, it is ordered that this case be continued.

1849, March 7th.

And afterwards, at the February term, 1849, to wit, on the 7th March, 1849, was entered the following continuance:

Wednesday, March 7th, 1849.

Present, honorable Theo. H. McCaleb.

HEIRS OF V. RILLIEUX
vs.
The U. STATES. } No. 17.

This cause, set down for to-day, was, in the absence of the solicitor for the complainants, and on motion of the United States district attorney, continued until to-morrow, the 8th instant, at 10 a. m.

And further, at the same term, and on the 8th March, 1849, the complainants, by their counsel, filed the following

Replication.

HEIRS OF V. RILLIEUX
vs.
The U. STATES.

District court, U. S., Louisiana district, replication of the complainants to the answer of the defendants.

The replicants, saving all benefit of exception, &c., say that they maintain and prove their bill to be true and sufficient in law, and that the answer of the defendants is insufficient, as this honorable court shall direct; and they pray as they have prayed in their bill.

(Signed) A. HENNEN,
Solicitor.

March 8th.

And further, at the same term and on the same 8th March, 1849, was entered the following hearing and submission:

HEIRS OF VINCENT RILLIEUX
vs.
THE UNITED STATES. } No. 17.

Alfred Hennen, esq., appearing for the complainants, and the United States district attorney for the defendants, the hearing of this cause was to-day regularly proceeded with. Evidence was adduced by the plaintiffs and argument heard on both sides; when the case was taken under advisement by the court.

And be it also remembered, that the evidence adduced by the plaintiffs on the said hearing, was as follows:

Document A —King of Spain's commission to Vincent Rieux.

EL REY.

Por quanto en atencion al merito y servicios de Don Vicente Rieux, commandante de los corsarios en la provincia de la Louisiana, y haver se hallado en la importante conquista de los fuertes y establecimientos Ingleses del rio Missippi, hevenido en concederle gradd de fen'te de infant'as de mis reals extos. commedio sueldo. Por tanto mando á los capitanes generales, governadores de las armas, y demás cabos mayores y menores oficiales, y soldados de mis exercitos, le hayan y tengan por tal feniente graduado de infant'a, y le guarden, y hagan guardar las honras, gracias, pre-eminencias, y exempciones, que por razon de dicho grado le tocan, y deben ser guardadas, bien, y cumplidamente, que asi es mi voluntad; y que de éste grado se tome razon, y forme asiento en la contaduria principal de real hacienda, á que corresponda.

Dado en el Paed, a diez y siete de Febrero, de mil setecientos y ochenta.

Yo, el REY, etc.
Signed, JOSEPH DE GALVEZ.

V. M. Concede el grado de feniente de infant'a del ext'o commedio sueldo á Don Vicente Rieux, comandante de los corsarios de la Louisiana.

Complase lo que S. M. manda en este real despacho, y tomar razon cr. él en la contaduria gral. de exto y provincia de la Louisiana.

Havana, tres de Agosto, de mil settecientos y ochenta.

Signed, J'DO DE GALVEZ.

Nueva Orleans, 9 de Deziembre de 1780.

En la contaduria gral. de este exto., se tomara razon del real despacho antezedente.

Signed, MARTIN NAVARRO.

En la contaduria gral. de este exercito y provincia, se tomo razon del real despacho antecedente.

Nueva Orleans, nueve de Diciembre, de mil seteciento y ochenta.

Signed, BERNARDO DE FERO.

Document B.—Letter from Bernardo de Galvez to M. Vincent Rieux, September, 1779.

Il est indispensable que les quarante six prisioners qui sont dejà arrivé au fleuve avec vous, viennent à ce fort avec les autres qui peurent être aussi arrivés de ceux qui ont resté en chemin; c'est pour cet effet que j'envoye deux pirogues à fin de transporter tous ceux qui ne sont pas en état de suivre par la fatigue, et à fin d'eviter que personne ne reste, j'ordonne au commandant de les envoyer chercher, mais s'il fallait attendre trop alors il faudra les laisser au dit commandant et qu'ils soient et point ecartés pour les prendre au bord au batteau, quand il passerá avec ceux que vous ameneres et je depecherai d'ici pour la ville.

Signed, BERNARDO DE GALVEZ.

D'ailleurs je veu aussi vous remercier personelement au nom de Roi due celle avec lequel vous luis servez.

Fort Butte de Manchac, 1er Septembre, 1779.

Mr. VINCENT RIEU.

Doc. C.—Letter from de Galvez to Rieu, 27 Aug., 1779.

En egard, Monsieur, que le Sr. Brioner est un off'er de marine, command't un corsaire du Roy dans le lac pour ou vous êtes commissionné, vous serez sous ses ordres en tout ce qui conviendra de faire relativement à l'instruction que je lui ait donné. Mais je ne doute pas d'un seul instant que vôtre zele pour le service du Roy, vôtre attachement à la patrie, et vôtre honneur, ne vous feront agir d'accord et de bonne intelligeance ensemble pour la reussitté de l'objet auquel vous allé destiné; enfin je ne flatte que dans cette occasion vous mendonneré des preuves, ainsi que de la probitée, bravoure, courage et intrepiditée qui existent en vous, et sur qui je compte beaucoup.

Ne'lle Orleans, de 27 Août, 1779.

(Signed) B'DO DE GALVEZ.

Mr. RIEU.

Testimony of Louis T. Caire, John McDonogh, and Ls. Bouligny, taken in open court, March 8th, 1849.

United States district court, for Louisiana.

THURSDAY, *March 8th*, 1849.

HEIRS OF VINCT. RILLIEUX vs. THE UNITED STATES. } No. 17.

Testimony taken in open court, on the trial of the said cause.

Lewis T. Caire, esq., witness for the plaintiffs sworn, deposes that a certain document endorsed "Ano de 1791, Dn. Estevan Roquiny, contra Dn. Vicente Rilliaux, sobre propieda de tierra, No. 1670," and brought into court by witness, comes from his office, in the state in which it is now found; witness believes that the two original documents, of which certified copies, marked "document A, and annexed to petition," are on file in this cause, are genuine documents; that witness is a notary public, and as such has had the two original documents in his possession since the year 1826.

No cross questions.

Subscribed in open court.

(Signed) LOUIS T. CAIRE.

Attest: ROBT. M. LUSHER,
Dp'y clerk and U. S. Com'r.

John McDonogh, witness for plaintiffs, being duly sworn, and being introduced and shewn the two original documents purporting to be signed by Kerlerec, Foucault, Soubie, Duverges, Aubry, Foucault, Soubie, Duverges, respectfully deposes that he believes said signatures to be genuine.

Witness knew the Rillieux family to be in possession of the lands in question, and that their title to them was notorious—known to every one.

Being cross questioned by the district attorney, the witness deposes, that he had been by the Rillieux family offered a portion of these lands at sale, but that he had refused to purchase.

Direct.—Witness did not refuse or decline, because he had any doubt as to the validity of the title, which he considered a good one.

(Signed) JOHN McDONOGH.

Subscribed in open court.

Attest: ROBT. M. LUSHER,
Dp'y clerk and U. S. Com'r.

Louis Bouligny, esq., witness for the plaintiffs, being sworn in open court, deposes that the signatures in said documents, produced by Louis T. Caire, and referred to in his depositions, are known to him only from his having seen the same signatures in official documents; he be-

lieves them to be genuine; knows of no one now alive who lived at the date of said documents, to wit, 1761–'2.

Witness has seen the signature of Galvez; knows it from having frequently seen it in ancient documents; testifies that the signatures of Jos. Galvez and Bernard Galvez, in a certain document, commission A, this day filed in evidence, are, in his opinion, genuine, and that the signature of the King, thereto attached, is in the usual style of his signature.

Witness also testifies to the genuineness of the signature of Bdo. de Galvez to doc. B, now filed; also to some signature in doc. C.

No cross questions.

(Signed) L. BOULIGNY.

Subscribed in open court.

Attest: (Signed) ROBT. M. LUSHER,
Dp'y clerk and U. S. Com'r.

Doc. D. Evidence from records of land office.

Copie de differentes pieces enrégistrées au bureau des terres à St. Héléne, pour constater les titres des héritiers Vincent Rillieux aux terres situées sur l'autre bord du Lac.

Written evidence of claim notice, No. 872.

To the register and receiver of the western district. Gentlemen: Take notice, in the parish of St. Tammany, on lake Ponchartrain, and on the borders of the bayou Bonfouca, and extending on the right side of the bayou two leagues, a tract of land bounded by the Prairies Tremblantes; to the south and to the east by the possessions on Pearl river; and on the left bank bounded by the land of Joseph Laurent. This property was originally owned by the mother of my late husband, Mr. Vincent Rillieux. The established part of the above mentioned land, in the year 1754, as will more fully appear by the accompanying documents. The grants issued to her at that period, were burnt in my house at the last general fire in the city of N. Orleans; my husband, for upwards of fifty years previous to his death, made it his place of residence, and has ever since been held by me, with 20 or 30 shares occupied in making lime and tar. There has never been any individual claim to this property, or can there ever be any, inasmuch as it has been peaceably held by us for eighty years.

VEUVE RILLIEUX.

Petitions of Mrs. Rillieux to Mrs. Rochemont, 16th January, 1754.

A Monsieur de Rochemone, che. conseiller du Roy en ses conseils commiss. general de la marine, ordonnateur de la Louisiane; Monsieur suplie tres humblement François Rillieux, ancien habitant de cette colonie, disant qu'il aurait établis une vacherie de l'autre côté du lac Ponchartrain à l'endroit nommé Bonfouca, et ce depuis plus de vingt cinq ans, que le sieur Yung aurait pris le parti de faire des Brays et

godrons il aurait choisi; cet endroit comme abondant en bois, pour l'execution de son dessein quavyant demandé au supliant permission de faire tirer quelques vaches pour aider à la substance de son monde, et lui aurait non seulement permis de le faire mais en outre lui aurait offert le service de plusieurs jeunes taureaux pour lui aider à charoyer ces bois mais que le sieur Yung au lieu d'en user avec le dit supliant, avec un esprit de reconnaissance, il aurait engagé plusieurs Tehactas, pour la chasse du bœuf sauvage quoiqu'il soit de notoriété publique que ces animaux sont éloignés de cet endroit de plus de cent lieues, et qu'au lieu de faire cette pretendue chasse il aurait fait tirer la quantité de vingt neuf Be ——— à cornes appartenants au supliant que son fils s'étant trouvé sur le lieu il avait reconnue que les bestes étaient à son père; ce quil aurait exposé an dit sieur Tang qui aurait repondu qu'il n'avait qu'a lui remettre les marchandises qu'il avait donné aux sauvages, et qu'il lui abandonnerait cette chasse, proposition assez extraordinaire et illicite de sa part. Il vous plaira Monsieur, prendre lecture du certifficat c'y joint donné par l'interprette de la Mobile en 1775, entendre le sauvage vaches du dt. supliant qui a une parfaite connaissance de toutes les chasses que le Sr. Yung a fait faire, pourquoi le supliant que ce considéré, Monsieur, il vous plaise permettre au supliant de faire donner assignation au Sr. Yung, a comparair au premier jour d'audience du conseil pour s'y voir condamner à payer au supliant les vingt neuf bestes dont est question en outre les ecrois qui pourraient en avoir été produit en domage depens et interets, et puis justice. A la Nouvelle Orleans le 16 Juin, 1759—Rillieux. Permis d'assigner au 1er jour d'audience du conseil, à la Nouvelle Orleans le jour et an.

ROCHEMORE.

Certifico que deude setenta años que me hallo en esta provincia he conocido perfatament'o á Mr. Rillieux, pader y su familia, habitante que fue del otro buelo de lago Ponchartrain, en el bayou nominado communamente Bonfoucat, en cuyo pasage he ido muchos vues y no he visto en el otra habitante si ne al dho. Rillieux y Mr. St. Martin, que he sabido de publico y notorio que el dho. Rillieux, padre, poseia la mayor parte de ambas orillas del dho. bayou de Bonfoucat, en virtud de titulos de concession formales del Sr. de Vaudreuil, gobernador entonces de esta dha. provincia, esto es la orilla derecha de fuera entrada hasta lo alto del dho. bayou y sobre la orilla esquierda desde el limite del dho. St. Martin, tambien lo alto expresado bayou, y ademal onel rio de perchas veinte arpanes entre las habitaciones de Mr. Favre y de Mr. de la Gautrais, asi mismo certifico que des puesde la muertede Mr. Rillieux, padre, su hijo Don Vicente se ha que dado siempre en dhos. tierras con su madre, la qual residio al suso dho. su hijo Vicente, todas las mencionadas tierras de Bonfoucat y la pretenciones luego que ella se retiro del otro lado del dho. lago para in a establerse como lo execrito en la carta a los Alemanes y de haber visto todos los titulos de concession de dhas. tierras de Mr. Vaudreuil y del Sr. Gob'r Johnstone, gob'r que fui de Pansacola, y la venta que Madama Rillieux otorgo a su hijo Don Vi-

cente, en Bonfoucat, pour ante testigos de todas las mencionadas tierras de las quales han gozado siempre en quieta y pacifica posesion como habiendo sido los primideros y solos habitantes y solos habitantes y solos habitantes provistos de titulos legales del refrido parage; en fe de lo que doy el presente para servio como corresponde protetando que sa contenido es la pura verdad que atesto. Nueva Orleans, dies de Avril, 1807.

N. FORSTALL.

Letter written by Me. Widow Rillieux in the year 1765, to Governor Johnstone, in Pensacola, No. 2.

A son excellence, Monsieur Johnstone, Governeur pour sa majestée Britanique à Pensacola, to his excellency, George Johnstone, esq., governor of West Florida, &c., &c., &c., at Mobile; à son excellence ce Monsieur George Johnstone, esquire, gouverneur au Ouest de la Florida, &c., &c., &c., à la Mobile. Monsieur, vos intentions m'ayant été communiqué par Mr. Campbell, capitaine du 34th regiment d'infanterie, sur les demarches et soumissions que je dois faire pour rester dans la paisible jouissance et possession de mes biens, situés dans la partie de cette province, qui a été cedée au roi de la Grande Bretagne, je prend la liberté d'écrire à votre excellence pour la prier de vouloir bien agréer ma presente lettre comme un acte authentique de tous sermens de fidélité et soumission en tel cas requis. Je me suis déterminé d'autant plus volontiers, à rester sous la domination de sa majesté Britanique que j'espère de votre excellence toute la justice et l'équité, dont elle a donné jusqu'à present de si fortes preuves. Si j'etais moins agée et moins chargé de famille, je me serais transporté auprès de votre excellence pour lui faire de vive voix ces dites soumissions, mais mon dit sieur Campbell m'ayant assurer que la presente sufiroit, j'ose vous prier de vouloir bien me la confirmer. J'ai l'honneur de joindre ici un certificat de Mrs. les commandant et ordonnateur de cette province, comme un titre qui constate la paisible jouissance et possession de mes susdits biens, le croyant necessaire mon état de veuve et ma nombreuse famille me donnent lieu d'espérer de vos bontes toute la protection dont j'ai besoin, et pour la quelle je serai toujours pénétrée de la plus vive reconnaissance, je suis très respectueusement, de votre excellence la très humble et très obéissante servante, à la Nouvelle Orléans, le 18 Mars, 1765.

VE. RILLIEUX.

Certifico que en el año de 1760, Mr. Lavalle y yo cituado en el otro lado Lacre Ponchartrain, en el bayou Bonfouca, hemos emontrado a Mr. Francis Rieux y le hemos preguntado quantos habitantes havia en estos parajes y nos respondio que no havia mas habitante que el y su familia y despues su fullescimientos su hermano, Don Vicento Rieux asta que fallesico.

Nouvelle Orléans, Fevrero 24 de 1804.

ENRIQUE MENTZINGEN.

Je, soussigné, certifie que depuis dix-sept ans que je suis à le primère personne autre que feu Monsieur Vincent Rillieux n'a occupes les terres de Bonfouca, fait au bayou la Combe, le 4-8bre, 1803.

DUCRE.

Je certifie que depuis plus de cinquante ans, avoir plaine connaissance que Mr, Rillieux, pere, a toujours été de suit poséseur de toute la terre de la rive droite de Bonfouca, et sur la rive gauche depuis la borne sin Martin, jusqu'au aux du Bayou, sur les deux rives, lui sont été concédé, par Mr. le gouverneur de cette capitale, Mr. De Vaudreuil est qu'après la mort de Mr. Rillieux. Mr. Vincent Rillieux, son fils, depuis qan a toujours resté le seul poseseur, n'ayant jamais en d'autre habitans que son pere et lui; en fois de quoi je donne le certificat pour servire au besoin au protestant que c'est la pure verité.

Nouvelle Orléans, le 10 Avril, l'an 1807.

PHILIP SAUCIE, Sr., Dic.

Je, soussigné, declare que depuis vingt-six ans que je suis abitant aux bayou, la liberté et avoir trouvé feu Monsieur Vincent Rillieux, qui avoit formé ses établissements sur les deux rives du bayou Bonfouqua, sans pouvoir dire le temps qu'il les occupé auparavant. En foy de quoi j'ay donné le presens sertifiqua pour servire au besoin sera fait au bayou la liberté, le 8 Mai, 1813.

FS. DUBUISSON.

Moi, Baptiste Niques, au presance de temoins, je certifie que depuis vingt-cinq ans que je suis venu rester chez Mr. Vincent Rillieux sur habitassion qu'il ha dans le bayou Bonfouca, n'ayant connu que lui qu'il habitait le dit bayou sur la rive droite sudit bayou jusque à riviere au Perle, et la rive gauche depuis un lieu nommé St. Martin, demeure que la droite ainsi que une terre, qu'il ha sur le bord de la rivière au Perle, située entré Mr. Favre et Mr. Lacotre, au foi de quoi je donne le presan pour qu'il lui serve dans le bessoin ; fait de bonne foi au bayou Bonfouca le 11 Mai, 1813 ; ne sachant écrire je fai la marque ordin.

BAPTISTE ⋈ NEQUES,

Temoin—Barthelemy Martin.

Je certifie avoir parcouru l'habitation du S. Rillieux dans toute son étendue n'avoir vu aucun bestiaux sauvages, n'y marons, qui n'appartiennent au dit sieur Rillieux ; en foy de quoy j'ai fait ma marque ordinaire au present, pour servir et valoir ainsy que de raison ; à la Nouvelle Orleans, le 23 Janvier, 1759, ne se sachant signé a fait sa marque ordinaire.

Marque ordinaire de T. REINE ⋈.

Sus tous temoin—Songy.

Je, soussigné, certifie qu'ayant passé l'espace de deux années, savoir, en cette de 1747 et 1748, sur l'habitation Monsieur Rillieux, n'avoir vu sur la dite habitation d'autres bestiaux, que celles appartenant au dit sieur Rillieux, ayant cependant couru et parcouru toute la dite habitation et ses environs ; en foy de quoy j'ai fait marque ordinaire à ce

present pour servir et valoir ainsy que de raison; à la Nouvelle Orleans, le 26 Janvier, 1759.

Marque ordinaire de BUILLY ⋈.

Sus tous témoins CAULKI, temoin FORSTALL.

Je certifie comme quoi Monsieur Vincent Rillieux resté dans Bonfouca, et d'avoir été plusieurs fois chez lui, et qu'il possedé une autre terre dans la revière au Perle, tenant d'un côté à Monsieur Favre et de l'autre à Monsieur Lautray; Nouvelle Orleans, le 16 Fervier, 1804.

BAPTISTE BOUSSERE.

Je, soussigné, ancien habitant de l'autre bord du lac, déclare que Mr. François Rillieux, pere, etait le premier habitant dans le bayou Bonfouca, depuis bien des anneés, et selon ce que je puis me rapelé il devait y être avant l'année 1751, et qu'il y'a toujours été jusqu'à sa mort, et après son fils qui l'a toujours gardé jusqu' aujourd'hui; en foi de quoi je donne le present certificat, à la Nouvelle Orleans, 10 Octobre, 1807. TENNILLON.

Je certifie avoir plaine connaissance que Monsieur Vinsan Rillieux, pere, a toujours été possesseur de la terre de Bonfouca, située de l'autre bord du lac, et qu'après lui Monsieur Vinsan Rillieux, son fils, a toujours jouit de cette terre sans jamais avoir été troublé dans sa possession par qui que ce soit. Je donne le present certificat pour servir au besoin, protestant que c'est la pure verité; à la Nouvelle Orleans, le 8 Mars, 1804. THARION.

Je certifie que depuis environ trente ans que je frequante l'otre bor du lac, et que depuis dix ans que j'ai abitté, n'avoir jamais connu d'autre propriétaire ces ter du bayou Bonfouca, que Monsieur Vinsan Rillieux, et Monsieur St. Martin, et avoir ouir dire aux plus ancien habitan des autre Bailloux que les ancêtre de Monsieur Rillieux, avait toujours été la propriéter de ces ditte terre; en foi de quoi je donne le presans certifica pour serviront besoin cesa; à la Nouvelle Orleans, le premier Janvier, 1807.

DANQUEMENIL DE MORANT.

U. S. Land office, St. Helena court-house, Louisa register's office.

I, Thomas Green Davidson, register of said office, do hereby certify the foregoing eight pages of writing to be true and correct copy, taken from the Record book of Titles, book A. L. 3, pages 190, 191, 192, 193, 194, and 195, by having the following words interlined: "To wit," on the third page, twenty-eighth line, "Scr."; on the fourth page and twenty-third line, the word "en"; on the fifth page, twenty-fifth line, the word "plus;" and on the sixth page and tenth line, the word "St." of the titles of Veuve Rillieux, and now of file in my office.

In faith of which I have signed my name, officially, this the fifteenth day of March, eighteen hundred and thirty-three.

(Signed) THOMAS GREEN DAVIDSON,
Register.

Document E.—Petition de Ve. Rillieux, au conseil, souverain, &c., 23 Janvier, 1759.

No. 1.—L. M. R.

A mosseigneur du conseil superieur de la province de la Louisiane.

Suplie très humblement la dame Veuve Rillieux, habitante demanderesse d'une part, contre le sieur Yung, marchand deffendeur d'autre part.

Disant que son defunt mari aurait etabli une vacherie de l'autre côté du Lac Ponchartrain à l'endroit nommé Bonfouca, depuis plus de 25 ans; que les Sr. Yung auroit demandé à son defunt mari la permission de faire sur sa terre deux fourneaux de goudron, ce que le defunt Relieu lui auroit accordé, ensorte que depuis ce tems il y seroit toujours demeuré; que de plus le deffendeur aurait demandé and Sr. Rellieu, son consentement de tirer six vaches pour en avoir la douceur du laitage, ce qui non seulement lui aurait été permis; mais encore de se servir des taureaux pour charroyer les bois de sa gaudronnerie.

Que loin de temoigner de la reconnaissance au dit defunt Sieur Rellieu de toutes ses attentions, le Sr. Yung aurait fait tuer par les Tehactas, la plus grande partie de son troupeaux, ensorte qu'à la fin de la chasse qui a duré tout un hiver, ce troupeau s'est trouvé reduita onze mêres vaches et quelques taurailles, quoi qu'avant que le Sr. Yung ce soit venu etablis sur les terres de la supliante, il étoit composé de cent cinquante bestes, ce qui faites voir que le Sr. Yung durant un hyver a totalement ruiné le supliante et toute sa famille. Qu'il est inutile au Sr. Yung d'avance que les bestiaux qu'il a fait tuer etoient des bestes maronnes jusqu'à tous les certificats ci-joints, ainsi que celui du Sr. Roussere, interprette de la Mobile, prouvent le contraire. Qu'au surplus quand cela seroit, quel droit pouvoit avoir le Sr. Yung de faire tuer des bestiaux qui ne lui appartenoient pas, en avait il mis sur cette terre lui qui venait d'arriver de France, lorsqu'il a demandé au défunt Sieur Relieu la permission de faire deux fourneaux de gaudron; ainsi quand il se seroit trouvé des bestes maronnes dans l'étendue de l'habitation du feu Sr. Relieu, comme il était le prémier et le seul qu'en ait amené sur cette terre, qui forme comme une presqu'ile, comme on peut le voir par la carte de tous les environs du Lac Pontchartrain, le Sr. Yung ne pouvait y pretendre aucun droit. Par cette carte il est facile de reconnoitre qu'aucune voisin dont la plus proche était le Sr. Brosset, eloigné de plus de 15 lieues du défunt Sr. Rellieu, et de plus séparer par deux grands bayoux, que l'on peut appeller rivières, puisque l'un a un cours de cent lieues de puis les Tehactas, jusqu'au Lac Pontchartrain, où il se decharge, il ne pouvait point y avoir de communication pour les bestiaux, ce qui se verifiée encore par la lettre qu'écrit le Sr. Brosset au Sr. Cheval; ainsi quoique le Sr. Cheval ait donné une certificat au defendeur, comme quoi il lui avait donné permission de tuer des bestiaux du dit Sr. Brosset, comme ces bestiaux n'ont pas pû se trouver sur la terre du dit défunt Sr. Rellieu, par les raisons qui viennent d'être deduittes; le certificat du Sr. Cheval, dont le defendeur pretend

se prevaloir ne peut point le dispenser de payer les bestiaux qu'il a fait tuer sur la terre, et à la porte du supliante, comme la déclaration du nommé Le Sage, chef de la nation Beloxis, et d'un de ses gens, qui a été faite présence des Sieurs Maurice et Tarascon, au refus par Mr. Trudeau de la recevoir, constate que les bestiaux qui ont été tués appartenaient au défunt Sr. Rellieux. Il est encore à noter que lorsque les Sieurs Brosset et Cheval se sont retirés de leur habitation, il a été fait une chasse générale de toutes des bestes maronnes, ensorte qu'il n'en est demeuré aucune, cequi se verifié par les certificats des Sieurs Tarascon, Bailly, Reine, et Barthelemy. Qu'enfin le certificat du Sieur Marette fait voir par les reproches que le défunt Sr. Lacombe a fait quelques jours avant sa mort au Sr. Yung, avec lequel il étoit associé, que le deffendeur faisoit un tort considerable au Sr. Rellieux en faisant tuer tous les jours des bestiaux, est une preuve de la mauvaise foy du deffendeur, comme la supliante croit avoir suffisament prouvé le tort considerable, ou pour mieux dire, la ruine totale que lui a causé et à toute sa famille, le Sr. Yung, par la destruction de son troupeau, elle espére de l'equité ordinaire de Mosseigneurs, que conformément à la justice qui lui a déjà été rendue pour pareille affaire, par Messieurs de Vaudreuil et Mickel, contre Mr. Trudeau, et le nommé Boimier, qui ont été condamnés à payer sans deport les bestes qu'ils ont fait tuer sous , que c'étoit des bestes sauvages, et qui ont été reconnu pour appartenir au défunt Sr. Rellieu.

Qu'enfin, comme il arrive souvent que les déffenses ne sont point signifiées cequi ôte au démandeur les moyens d'y repondre la supliante espère de l'équité de la cour qu'il lui plaira ordonner que le dit Sieur Yung soit tenu d'en donner communication dans le 24 heures avant le conseil.

Que comme l'ordonnance defend expressement de se servir du temoignage des personnes qui sont aux gages des personnes pour lesquelles elles temoignent, celui qu'a donné le nommé Joseph, mulâtre, étant l'engagé du Sr. Yung, et même esclave ne peut avoir aucune force. Par toutes ses raisons la supliante réquiert ce concideré, Mosseigneurs, qu'il vous plaise lui promettre de faire assigner pardevant vous, au prémier jour d'audience ordinaire le dit Sr. Yung, pour se voir condamner à payer à la supliante telle somme qu'il plaira à la cours d'arbitrer en égard au grand nombre des bestiaux qu'il a fait tuer. Plus comme le déffendeur n'avoit démandé la permission au défunt Sieur Rellieu que pour faire de fourneaux, et qu'il a de beaucoup excédé ce nombre, il soit condamné a déguerpir les lieux tout presentement, d'autant que s'il y demeurait plus long tems le petit nombre des bestiaux qui restent à la supliante pourraient subir le même sort que les autres, condamner en outre le Sr. Yung en tous les depens, dommages, et interêts, requiérant de plus les conclusions de Monsieur le Procureur Général du Roy pour la vindicte publique et ferez justice.

A la Nouvelle Orléans, le 23e Janvier, 1759.

(Signed) VE. RILLIEUX.

Permi d'assigner au 1er jour d'audience du conseil. A la N'elle Orleans, les jour, etca.

UNITED STATES LAND OFFICE,
Greenburg, parish of St. Helena, La., Dec. 26, 1838.

I hereby certify the foregoing documents, together with the certificate of Marette, and also of Barthelemy, all annexed to be recorded in book E, No. 3, commencing on page 235 of the records of this office.

NICHOLAS BAYLIES,
Register.

Je certifie, qu'étant sur l'habitation du Sieur Rillieux, avoir vu par differente fois apporter nombre de bestiaux à la porte de la ditte habitation, tué par les sauvages de la part du S. Yung, et à tres peu de distance de la maison; je certifie, ainsi, que le S. Yung a joui en ma presence de tous les bestiaux du dit Sieur Rillieux pour en tirer le laitage, ainsi que des taureaux pour charroyer les bois de sa godronnerie.

En foi de quoi j'ai signé le present pour servir et valoir ainsi que de raison, à la N'elle Orleans, le 23 Janvier, 1759.

(Signed) BARTHELEMY.

Je certifie avoir entendu dire part feu Lacombe, que est mort, chez moi à Monsieur Yuin qu'il lui, avez fait *Jor* dans la sosiette qu'il avet avec le Sieur Yuin, pour le gaudron, et qu'il ne se contantez pas de lui faire *tor* a lui, mais qu'il en feset aussy au Sieur Rillieux. En luy fesant tué tout les jour ses bestiaux le Sieur Yuin, luy a repondu qu'il batet la campagne feu Lacomble, luy a repondu que non. Fait à la N'lle Orleans, le 23 Janvier, 1759.

(Signed) MARETTE.

Deposition of witnesses in the parish of St. Tammany.

HEIRS OF V. RILLIEUX
vs.
The UNITED STATES.

Interrogatories to be propounded and answered by witnesses to be produced, sworn, and examined in this case, on the part of the petitioners.

Int'y 1st. Are you acquainted with the tract of land, situated in the parish of St. Tammany, Louisiana, on which the late V. Rillieux, or his heirs, or some of them resided? If yea, state how long; where the same is located; and who has resided on it at different times, according to the best of your recollection?

Int'y 2nd. Will you state how much, if any, of the said tract of land was cultivated, used and occupied, and in what manner, by the different persons who have resided thereon, within your recollection?

Int'y 3d. Do you know, or can you set forth any other matter or thing which may be a benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this

your examination, or the matter in question in this cause? If yea, set forth the *sum* fully and at large in your answer.

(Signed) ALFRED HENNEN,
For Petitioners.

Cross interrogatories.

First. What is your age and place of residence; and how long have *your* lived in the place where you now reside?

Second. Are you related to the plaintiffs in this case, and in what degree; or are you connected with them by marriage, or how?

Third. Have you any interest in the event of this suit; do you own or claim any of the land sued for; or did you ever own or claim any of it; and how did you dispose of, or part with, that ownership or claim?

Fourth. Are you related to or connected with any of the parties who have ever claimed the land; and if so, what are their names, and what is your relation or connexion with them?

Fifth. In answering the first and second interrogatories in chief, or the others, do you speak from what you have seen yourself, and from your own personal knowledge, or from what you have heard from others?

Sixth. Is your recollection of the facts you state very clear and distinct?

Seventh. Have you any written documents or memorandum on which your recollection of facts is based? If so, please annex them to your answer, and describe what they are and by whom written.

(Signed) THOMAS J. DURANT,
Attorney U. S. for Louisiana.

Court of the United States, for the eastern district of Louisiana, to any judge or justice of the peace in the parish of St. Tammany, State of Louisiana.

Know ye, that, reposing special trust and confidence in your integrity and ability, we hereby authorize and require you that you call and cause to come before you the witnesses named to you, and them duly examine on oath, touching and concerning certain matters and things in two causes now depending in the said court, wherein the heirs of Rillieux are plaintiffs, and the United States are defendants, and John Gusman vs. same defendants; and the same examinations, *to* taken and reduced to writing, you certify under your hand and seal, and send enclosed to this court without delay, to be read in evidence on the trial of said cause, and send also this writ.

Witness the honorable T. H. McCaleb, judge of said court, at the city of New Orleans, this 12th day of September, anno [SEAL.] domini 1846, and the 71st year of the independence of the United States of America.

N. R. JENNINGS, *Clerk.*
(Signed) By L. E. SIMONDS,
Deputy clerk.

THE STATE OF LOUISIANA,
Parish of St. Tammany.

In pursuance to a commission, dated the twelfth day of September, eighteen hundred and forty-six, from the court of the United States for the eastern district of Louisiana, issued in the suit, wherein the heirs of Rillieux and John Gusman are plaintiffs, and the United States are defendants, directed to any judge or justice of the peace in the parish of St. Tammany, to examine on oath the witnesses hereinafter named, touching and concerning certain matters and things propounded to them in the interrogatories and cross interrogatories annexed to said commission, and signed by Alfred Hennen and Thomas J. Durant, I, Nicholas Gallatas, a justice of the peace for the third ward, parish of St. Tammany, this day proceeded to execute said commission, by calling before me Madame Eleonor Dubuisson, wife of Mr. Joseph Gallatas, she having been pointed out to me as one of the witnesses to be examined, to whom I administered the usual oath, that the answers she should make to each of the interrogatories and cross interrogatories should be the truth, the whole truth, and nothing else but the truth; whereupon the said witness answered as follows, and taken on the seventh day of the month of April, eighteen hundred and forty-seven.

Interrogatory 1st. Yes; ever since she has had a recollection; situated on the eastern side of the bayou Vincent, parish of St. Tammany; first by Mr. Vincent Rillieux, then by Mr. Nicaisse and Barthelemy Martin together; and lastly by Mr. John Gusman.

Interrogatory 2d. Mr. Vincent Rillieux cultivated the land on the eastern side of the bayou and resided there, raising cows, potatoes, &c.; upon said land there was a dwelling-house, magazine, negro cabins, and eighty slaves; Mr. Nicaisse and Barthelemy Martin occupied and had possession of both sides of the bayou, under the employ of Mr. Rillieux, and cultivated the place, and made lime and tar.

Interrogatory 3d. Has heard it often and repeatedly said that it was Mr. Rillieux's land, and saw him and family there; after *the* death the land was sold at public auction, and purchased by Mr. Barthelemy Martin, and from him to Mr. John Gusman, who now occupies and resides on the same place where Mr. Rillieux resided.

Answers to—

1st cross interrogatory. About sixty or sixty-three; residence bayou Liberty, parish St. Tammany, and have lived from childhood to the present date.

2d cross interrogatory. No.

3d cross interrogatory. No.

4th cross interrogatory. No.

5th cross interrogatory: A part of her answers are from her own personal knowledge, having seen the parties spoken of on said land, occupying it; and hearsay as to the title and agency of Mr. Nicaisse and Barthelemy Martin.

6th cross interrogatory: Yes.
7th cross interrogatory: No.
(Signed,) ELEONOR GALATAS.

Sworn and subscribed to before me this seventh day of April, A. D. 1847.
(Signed,) NICOLAS GALATAS,
Justice of the peace.

And having received said answers, and having them reduced to writing, after having been so taken as above written, and read to the said witnesses, declared the same to be correctly reduced to writing, as delivered by her; the said witness signed the same with her proper signature as above set forth. In faith of which I have closed this process verbal of the taking thereof, and signed my name officially this seventh day of April, eighteen hundred and forty-seven.
(Signed,) NICOLAS GALATAS,
Justice of the peace.

THE STATE OF LOUISIANA,
Parish of St. Tammany.

And again, I, the said Nicholas Galatas, proceeded on this ninth day of the month of April, eighteen hundred and forty-seven, to receive, by virtue of the commission aforesaid, the answers of other witnesses, to the interrogatories and cross interrogatories annexed to said commission, as described in the preceding part thereof; and Catiche Vincent, a free woman of color, emancipated by public act, passed before Christoval De Armas, notary public, city of New Orleans, dated fifteenth November, eighteen hundred and nineteen, came before me as one of the witnesses in said cause, and having administered to her the oath required by law, that the answer she should make to said interrogatories and cross interrogatories should be the truth, the whole truth, and nothing else but the truth, I read to her said interrogatories and cross interrogatories as propounded, and received from her the following answers to each:

Interrogatory 1st: Yes, from the time of her first recollection, having been born on the land of Vincent Rillieux; she knows the land on the east side of bayou Vincent to be Mr. Rillieux's, and has heard it said that his land extended to Pearl river; the first person she saw on the place was Mr. Vincent Rillieux, her master; after him, in same place, Mr. Barthelemy Martin; after Mr. Martin, Mr. John Gusman; on the opposite side of the bayou, Mr. Joseph Nicaisse resided there, employed as cow hunter for Mr. Rillieux.

Interrogatory 2d: Knows that some of the land was cleared and cultivated in corn, rice, &c.; and lime, tar, and ashes made thereon by Mr. Rillieux; Mr. Barthelemy Martin cultivate and raised the same kind of products; Mr. Gusman makes brick, corn, potatoes, and vegetables; Mr. Rillieux had his dwelling house on the same place where

Mr. Gusman resides; had a double row of negro cabins and other outbuildings.

Interrogatory 3d: She knows nothing further than as stated.

Answer to cross interrogatories.

Cross interrogatory 1st: About seventy-two or seventy-three; resides on the bayou Vincent, and resided there about twenty or twenty-five years.

Cross interrogatory 2d: No, no.

Cross interrogatory 3d: No, no.

Cross interrogatory 4th: No.

Cross interrogatory 5th: What she has stated is from her own personal knowledge, except as to the extent of the land.

Cross interrogatory 6th: Yes.

Cross interrogatory 7th: No, none.

(Signed,) her CATICHE ✕ VINCENT. mark.

The witness not knowing how to write, has sworn and subscribed to her testimony by making her mark ordinary, this ninth day of April, A. D. 1847.

(Signed,) NICOLAS GALATAS, *Justice of the peace.*

Then, also, came Charles Marboy Vincent, a free man of color, emancipated by public act, passed before Jesse R. Jones, parish judge, parish St. Tammany, dated fifteenth day of April, one thousand eight hundred and thirty, who was brought before me as another of the witnesses to be interrogated in said cause; I administered to him the oath required by law, that the answers he should make to the interrogatories and cross interrogatories should be the truth, the whole truth, and nothing else but the truth. I then propounded to him the interrogatories and cross interrogatories; to each he answered, as follows:

Interrogatory 1st: Yes; recollect said land from childhood; born on the land in controversy; on the east side of the bayou Vincent; Mr. Rillieux lived on the land now occupied by Mr. Gusman; first after Mr. Rillieux, Mr. Barthelemy Martin; after Mr. Martin, Mr. John Gusman; and Mr. Joseph Nicaisse resided on the west side of the bayou Vincent, as cow hunter for Mr. Rillieux.

Interrogatory 2d: Occupied first by Mr. Rillieux, who cleared the land and planted indigo, rice, potatoes, corn, lime, tar, &c.; he had on the place a wooden building for his residence; a double row of negro cabins and other out buildings; after Mr. Rillieux, Mr. Barthelemy Martin occupied and raised on said land the same products Mr. Rillieux had. After Mr. Martin, Mr. Gusman, who now occupies and uses said land for his residence, making brick, raising corn, potatoes, and vegetables.

Interrogatory 3d: Has repeatedly heard Mr. Rillieux say that his land extended from bayou Vincent to Pearl river. Knows nothing further in relation to the subject in controversy.

Answers to cross interrogatories.

Cross interrogatory 1st: About seventy years of age; resides on bayou Vincent; the land in controversy.

Cross interrogatory 2d: No.

Cross interrogatory 3d: Has no interest whatever in relation to the suits.

Cross interrogatory 4th: No.

Cross interrogatory 5th: From his personal knowledge as to part of the facts stated, and from hearsay, from Mr. Rillieux, as to the extent of his land.

Cross interrogatory 6th: Yes.

Cross interrogatory 7th: No.

(Signed) CHARLES MARBOY $\underset{\text{mark.}}{\overset{\text{his}}{\times}}$ VINCENT.

The witness, not knowing how to write, has sworn and subscribed to his testimony, by making his ordinary mark, this ninth day of April, A. D. 1847.

(Signed) NICOLAS GALATAS,
Justice of the peace.

I, said justice of the peace, closed the process verbal of the taking of the answers of said Catiche Vincent and Charles Marboy Vincent, after having caused them to sign their names, by making their ordinary marks thereto, said answers having [been] written down and reduced to writing, as delivered by them, and approved. In faith whereof I have signed, this ninth day of April, A. D. eighteen hundred and forty-seven.

(Signed) NICOLAS GALATAS,
Justice of the peace.

And again I, Nicholas Gallatas, justice of the peace as aforesaid, proceeded, on this twelfth day of April, eighteen hundred and forty-seven, by virtue of the commission aforesaid, from the court of the United States, for the eastern district of Louisiana, dated twelfth of September, eighteen hundred and forty-six, authorizing the taking of the answer of certain witnesses to the interrogatories and cross interrogatories annexed to said commission, in the suit [wherein] the heirs of Rillieux are plaintiffs, and the United States are defendants, and John Gusman *vs.* same defendants, to execute the same, by reducing the answers of the witnesses hereinafter named to writing, which were drawn from them by said interrogatories and cross interrogatories. The first witness presented to me this day for examination was Mr. Terrence

Carrière, to whom I administered the oath required by law, that the answers be the truth, whole truth, and nothing else but the truth. After having read to him the interrogatories and cross interrogatories, he answered as follows:

Interrogatory 1st: Yes. Knows of the land about fifty or fifty five years. On the east part of bayou Bonfouca or bayou Vincent, parish of St. Tammany. First person who resided there was Mr. Rillieux himself; secondly, Mr. Barthelemy Martin; and the third person, Mr. John Gusman, who now resides thereon.

Interrogatory 2d: But a small quantity was cultivated, as a garden, potato patch, corn for roasting, hay, &c. A good deal of the land was cleared off. Mr. Rillieux used it for making tar and coal, and, witness believes, lime also. From two to three thousand head. Barthelemy Martin made thereon lime and wood, and raised cattle. John Gusman makes wood and raises cattle thereon.

Interrogatory 3d: Mr. Rillieux had on said place a dwelling-house, kitchen, negro cabins, magazine, and other out-houses; and fencing around his house and large postiere. And from the first knowledge of witness up to the present time the place has been occupied.

Answers to

Cross interrogatory 1st: Sixty-six next August. Bayou Liberty, a branch of Bonfouca; and on the east side about thirty-seven years.

Cross interrogatory 2d: No.

Cross interrogatory 3d: No.

Cross interrogatory 4th: No.

Cross interrogatory 5th: Witness speaks from what he has seen himself.

Cross interrogatory 6th: Yes.

Cross interrogatory 7th: None.

(Signed) T'CE CARRIERE.

Said answers, as above, having been read to the witness, as taken above, were sworn and subscribed to, before me, this twelfth day of April, A. D. 1847.

(Signed) NICOLAS GALATAS,
Justice of the peace.

And again, I, the said justice, proceeded to take the answers of Mr. Soullange Millon, a witness pointed out to me as one of the witnesses to answer the interrogatories and cross interrogatories annexed to the commission; after having administered to him the oath, that his answers should be the truth, the whole truth, and nothing but the truth, I read to said witness said interrogatories and cross interrogatories, to which he answers as is hereinafter set forth.

Interrogatory 1st. Yes; has known the land from childhood, situated on the eastern side of bayou Vincent, parish St. Tammany. The

first person was Mr. Vincent Rillieux, the second person Mr. Barthelemy Martin, and lastly, Mr. John Guzman, who resides thereon at the present.

Interrogatory 2d. Mr. Rillieux made tar, lime, cultivated some land on corn, pumpkins, &c., Mr. Barthelemy Martin occupied the place in rearing and making the same products as Mr. Rillieux, and Mr. Guzman raises the same products. Large part of land was cleared, and a quantity of land was fenced on both sides of the bayou.

Interrogatory 3d. Mr. Rillieux had a dwelling-house, magazine on said land; and a double row of negro cabins, sufficient to house eighty slaves; saw Mr. Rillieux living on the place with his family, often.

Answers to cross interrogatories.

Cross interrogatory 1st. Seventy-seven years of age, resides on Cypress bayou, a branch of bayou Lacomb, parish St. Tammany; eight years resided in the place where he now resides, but has resided in the parish of St. Tammany and near the place of Mr. Rillieux since his childhood.

Cross interrogatory 2d. No.
Cross interrogatory 3d. No.
Cross interrogatory 4th. No.
Cross interrogatory 5th. From his own personal knowledge and view.
Cross interrogatory 6th. Yes.
Cross interrogatory 7th. None.

Signed, MARSELLE SGE. MILLON.

Sworn and subscribed to before me, this day, the twelfth day of April, eighteen hundred and forty seven.

Signed, NICOLAS GALATAS,
Justice of the Peace.

And again, also, on the twelfth day of the month of April, A. D. eighteen hundred and forty-seven, came Mr. Simon Ducré, one of the persons to be examined by virtue of the commission aforesaid; to said witness I administered the oath required by law; that the answers he should make to the interrogatories and cross interrogatories would be the truth, the whole truth, and nothing else but the truth, to which he answered as hereinafter set forth, and reduced to writing as follows:

Interrogatory 1st. Yes; has known the land of Mr. Vincent Rillieux since his first recollection; situated on the eastern side bayou Bonfouca, parish of St. Tammany. First person he saw residing on the place was Mr. Vincent Rillieux; after Mr. Rillieux, his widow; after her, Mr. Barthelemy Martin; after him, Mr. John Guzman, who now resides on the same place.

Interrogatory 2d. Mr. Rillieux made on the place tar, lime, &c., and cultivated some ground for home use, potatoes and corn. There was by Mr. Rillieux cleared on both sides of the bayou a large quantity of ground, and fenced. Mr. Barthelemy occupied and used the place in the same manner as Mr. Rillieux. Mr. Guzman uses the place for making brick, lime, &c.

Interrogatory 3d. Saw upon the place when Mr. Rillieux lived there a dwelling-house, store-house, and plenty negro cabins, and the place has been constantly occupied from his first knowing it up to the present time, by Mr. Rillieux, by his widow, by Mr. Martin, and by Mr. Guzman.

Answers to cross interrogatories.

Cross interrogatory 1st. Age sixty-one years, and residence on the bayou Lacombe fifty nine years, parish St. Tammany.

Cross interrogatory 2d. No.

Cross interrogatory 3d. No.

Cross interrogatory 4th. No.

Cross interrogatory 5th. Speaks from his own personal knowledge, and what he has seen himself.

Cross interrogatory 6th. Yes.

Cross interrogatory 7th. No; none.

Signed, SIMON DUCRE.

Sworn and subscribed before me, this twelfth day of April, eighteen hundred and forty-seven.

Signed, NICOLAS GALATAS,
Justice of the Peace.

And there being no other person presented to me as a witness to be examined, by virtue of said commission, have closed this procès verbal thereof, beginning at page one and ending page tenth, having caused each witness to sign his name, each to his own answers, having each of them been duly sworn by the undersigned justice of the peace; and said answers having been correctly reduced to writing, and approved by them, I have annexed to said procès verbal the commission by which *by which* I acted, and the interrogatories and cross interrogatories which were propounded to each witness, and from which their answers were drawn, and have this day sealed the whole together, under one cover, sealed with three seals, upon each of which I have affixed the initials of my name and official*ly* capacity, and directed the same to the clerk of the court of the United States, for the eastern district of Louisiana, New Orleans.

In faith whereof I have signed my name officially, this twelfth day of April, eighteen hundred and forty-seven.

(Signed) NICOLAS GALATAS,
Justice of the Peace.

[For plat see original, attached to page 52.]

STATE OF LOUISIANA, *Surveyor General's office.*

I certify the foregoing plat of survey to be a true copy of the returns made by William Cobb, a sworn survey of this State.

In testimony whereof I have hereunto set my hand and [SEAL.] official seal, in the city of New Orleans, this 19th day of May, in the year of our Lord 1835, and in the fifty-ninth of the independence of the United States of America.

(Signed) LS. BRINGIER,
Surveyor General.

1849, June 15.

And afterwards, at the May term, 1849, of said court, to wit, on the 15th June, 1849, there was rendered and duly recorded, and, on the 16th June, 1849, engrossed and signed, in the words following, the judgment of the court.

May term, 1849. Friday, June 15th, 1849. Present, the honorable Theo. H. McCaleb.

HEIRS, &c., OF VINCENT RILLIEUX
vs.
THE UNITED STATES. } No. 17.

This cause came on to be heard at the February term, to wit, on the 8th day of March last, on the petition, answer, replication, exhibits, depositions, and testimony of witnesses, taken in open court, and was argued by counsel for the complainants, and the United States district attorney for the defendants; and the court having fully considered the same, and being duly advised thereof, this day delivered its opinion and decree, as follows:

The petitioners claim a tract of land, in part by purchase from the Biloxi Indians, made under the French Government, in the year 1761, and by possession of a part of it for twenty-four years preceding. This purchase was made with the consent of the French Government, and a certificate to that effect was granted by C. P. Aubry, the commandant of the King, in the province of Louisiana, and by D. N. Foucault, performing the functions of ordonnateur and chief justice of the superior council of the province. The petitioners have proved conclusively by numerous aged witnesses, that the land has been inhabited, cultivated, and possessed and owned by them and their ancestors, without interruption, for more than half a century.

This claim the court considers valid against the United States, under the treaty of cession, and according to the laws of nations, and such a one as should in equity be confirmed under the acts of Congress, of May 26th, 1824, and June 17th, 1844.

It is therefore ordered, adjudged, and decreed, that the claim of the petitioners to the tract of land in their petition described, be confirmed and adjudged to be valid against the United States, the defendants; the said claim having the following boundaries, to wit:

To begin at the mouth of Pearl river, where the said river divides the State of Louisiana from the State of Mississippi; thence westwardly, following the borders of Lake Pontchartrain to the mouth of the bayou

Bonfouca; and thence up the said bayou Bonfouca to its source; thence in a straight line to the said Pearl river; and thence along the said Pearl river, as it separates the States of Louisiana and Mississippi, to its mouth.

It is further ordered, adjudged, and decreed, that in case any of the said land, so claimed by the said plaintiffs in their petition, or any part thereof, shall have been sold by the United States, or otherwise disposed of, the said plaintiffs shall be, and they are hereby, authorized to enter into any land office, in the State of Louisiana, in parcels conformable to sectional divisions and subdivisions, a like quantity of public lands, after the same shall have been offered at public sale.

Judgment rendered 15th June, 1849.

Judgment signed 16th June, 1849.

(Signed) THEO. H. McCALEB, [SEAL.]
U. S. Judge.

June 16th, 1849.

And further, at the same term, and on the said 16th June, 1849, was moved for by the attorney of the United States, and obtained and duly recorded, the following

Order of Appeal.

Saturday, June 16th, 1849. Present, Hon. Theo. H. McCaleb.

HEIRS OF V. RILLIEUX
vs.
THE UNITED STATES } No. 17.

On motion of Logan Hunton, esq., attorney of the United States, for the eastern district of Louisiana, and Thomas J. Durant, esq., on the same behalf, and on giving to the court to understand and be informed that the United States are injured and aggrieved by the judgment of this honorable court, rendered against them at this term in the above case, and desire to appeal therefrom.

It is thereupon ordered by the court that an appeal be allowed in favor of the United States from the judgment aforesaid, returnable to the Supreme Court of the United States, at the next term thereof, after the date of this order.

And finally, at the same term, and on the 31st October, 1849, was entered into, signed, and filed the following

Agreement adjourning return day of appeal.

EASTERN DISTRICT OF LOUISIANA,
U. S. district court.

HEIRS OF V. RILLIEUX
vs.
THE UNITED STATES. } No. 17. Land docket.

It is herein agreed between the party plaintiff and the defendants,

that the return day of the appeal hitherto granted said defendants, and now of record, and made returnable on the first Monday of December, into the Supreme Court of the United States, be, and it is hereby, by mutual consent and understanding, extended until the first Monday of December, 1850, or the term of the said Supreme Court next after that opening on the first Monday of December next.

(Signed) ALFRED HENNEN,
Attorney for plaintiff.
L. HUNTON,
U. S. Attorney.

NEW ORLEANS, *October* 31*st*, 1849.

Attest: ROBT. M. LUSHER, *Deputy clerk.*

UNITED STATES OF AMERICA,
Eastern district of Louisiana.

I, Needler R. Jennings, clerk of the district court of the United States, sitting at New Orleans, in and for said district, do hereby certify, that the foregoing 55 folios manuscript, with the plat between folios 51 and 52, contain and form a true, faithful, correct, and complete transcript of all the proceedings, process, pleadings, documents, and other matters on file and of record in a certain cause in chancery, wherein the heirs of Vincent Rillieux are complainants, and the United States of America, defendants, No. 17 of the land docket of said court.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at the city of New Orleans, this eighth day [L. S.] of November, one thousand eight hundred and fifty, and seventy-fifth year of American independence.

Clerk U. S. district court, eastern dis. of Louisiana.

I, Theodore H. McCaleb, judge of the district court of the United States, for the eastern district of Louisiana, do certify, that N. R. Jennings, who subscribed the above certificate, was, at the time of signing the same, and is now, the duly appointed and legally authorized clerk of said court; that full faith and credit are due and ought to be given to all his attestations as such clerk, and that his above certificate is in due form of law.

In witness whereof I hereunto set my hand and seal, at New Orleans, this day of November, A. D. 1850.

THEO. H. McCALEB. [SEAL.]

THE UNITED STATES OF AMERICA,
Eastern district of Louisiana.

To the children and heirs of Eugenia Rillieux, and children and heirs of Marie Désirée Rillieux, who are the heirs at law of Vincent Rillieux and Marie Tronquet, his wife, deceased, greeting:

You are hereby cited and admonished to be and appear at a Supreme